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THE GOA STATE  
COMMISSION FOR  
BACKWARD CLASSES.

GOVT. OF GOA

THE GOA STATE  
COMMISSION FOR  
BACKWARD CLASSES

ACT, 1993/RULES.

ADDRESS :

BEHIND R.M.O'S HOSTEL,  
(OLD) GOA MEDICAL COLLEGE CAMPUS,  
PANAJI - GOA

148/c H/c

*The Goa State Commission For Backward Classes Act, 1993*

*to constitute a State Commission for Backward Classes other than the Scheduled Castes and the Scheduled Tribes and to provide for matters connected therewith or incidental thereto.*

*Be it enacted by the Legislative Assembly of Goa in the Forty-fourth Year of the Republic of India as follows:-*

CHAPTER I

Preliminary

1. *Short title and commencement.* - (1) This Act may be called the Goa State Commission for Backward Classes Act, 1993.  
(2) It shall come into force at once.
2. *Definitions.* - In this Act, unless the context otherwise requires, -
  - (a) "backward classes", for the purpose of this Act, means such backward classes of citizens other than the Scheduled Castes and the Scheduled Tribes as may be specified by the State Government in the lists;
  - (b) "Commission" means the State Commission for Backward Classes constituted under section 3;
  - (c) "Legislative Assembly" means the Legislative Assembly of the State of Goa;

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- (d) "lists" means lists prepared by the State Government from time to time for purposes of making provisions for the reservation of appointments or posts in favour of backward classes of citizens which, in the opinion of that Government, are not adequately represented in the services under the State Government and any local or other authority within the State of Goa or under the control of the State Government;
- (e) "Member" means a member of the Commission and includes the Chairperson;
- (f) "Official Gazette" means the Official Gazette of the State Government;
- (g) "prescribed" means prescribed by the rules made under this Act;
- (h) "State Government" means the Government of Goa.

## CHAPTER II

### Commission for Backward Classes

- 3. *Constitution of the State Commission for Backward Classes.*-  
 (1) The State Government shall constitute a body to be known as the State Commission for Backward Classes to exercise the powers conferred on, and to perform the functions assigned to it under this Act.

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(2) The Commission shall consist of the following Members nominated by the State Government:-

(a) a Chairperson, who is or has been a Judge of a High Court or District Judge or a person eligible for such appointment;

(b) a social scientist;

× (c) two persons, who have special knowledge in matters relating to backward classes; and

(d) a Member Secretary, who is or has been an Officer of the State Government in the rank of a Secretary or above, to the Government.

4. *Term of Office and conditions of service of Chairperson and Members.*- (1) Every Member shall hold office for a term of three years from the date he assumes office.

(2) A Member may, by writing under his hand addressed to the State Government, resign from the office of Chairperson or, as the case may be, of Member at any time.

(3) The State Government shall remove a person from the office of Member if that person

(a) becomes an undischarged insolvent;

(b) is convicted and sentenced to imprisonment for an offense which, in the opinion of the State Government, involves moral turpitude;

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- (c) becomes of unsound mind and stands so declared by a competent court;
- (d) refuses to act or becomes incapable of acting;
- (e) is, without obtaining leave of absence from the Commission, absent from three consecutive meetings of the Commission; or
- (f) has, in the opinion of the State Government, so abused the position of Chairperson or Member so as to render that person's continuance in office detrimental to the interests of backward classes or the public interest;

Provided that no person shall be removed under this clause until that person has been given an opportunity of being heard in the matter.

- (4) A vacancy caused under sub-section (2) or otherwise shall be filled by fresh nomination.
- (5) The salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson and Members shall be such as may be prescribed.

5. *Officers and other employees of the Commission.-*

- (1) The State Government shall provide the Commission with such officers and employees as may be necessary for the efficient performance of the functions of the Commission.

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(2) The salaries and allowances payable to, and the other terms and conditions of service of, the Officers and other employees appointed for the purpose of the Commission shall be such as may be prescribed.

6. *Salaries and allowances to be paid out of grants.-*

The salaries and allowances payable to the Chairperson and Members and the administrative expenses, including salaries, allowances and pensions payable to the officers and other employees referred to in section 5, shall be paid out of the grants referred to in sub-section (1) of section 12.

7. *Vacancies, etc. not to invalidate proceedings of the Commission.-*

No act or proceeding of the Commission shall be invalid on the ground merely of the existence of any vacancy or defect in the constitution of the Commission.

8. *Procedure to be regulated by the Commission.-*

(1) The Commission shall meet as and when necessary at such time and place as the Chairperson may think fit.

(2) The Commission shall regulate its own procedure.

(3) All orders and decisions of the Commission shall be authenticated by the Member-Secretary or any other officer of the Commission duly authorised by the Member-Secretary in this behalf.

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### CHAPTER III

#### Functions and Powers of the Commission.

9. *Functions of the Commission.*- (1) The Commission shall examine requests for inclusion of any class of citizens as a backward class in the lists and hear complaints of over-inclusion or under-inclusion of any backward class in such lists and tender such advice to the State Government as it deems appropriate.

(2) The advice of the Commission shall ordinarily be binding upon the State Government.

10. *Powers of the Commission.*- The Commission shall, while performing its functions under sub-section (1) of section 9, have all the powers of a civil court trying a suit and in particular, in respect of the following matters, namely:-

- (a) summoning and enforcing the attendance of any person from any part of the State of Goa and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any court or office;

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*13. Accounts and Audit.* - (1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the State Government in consultation with the Comptroller and Auditor General of India.

(2) The accounts of the Commission shall be audited by the Comptroller and Auditor General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Commission to the Comptroller and Auditor General of India.

(3) The Comptroller and Auditor General of India and any person appointed by him in connection with the audit of the accounts of the Commission under this Act shall have the same rights and privileges and the authority in connection with such audit as the Comptroller and Auditor General of India generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Commission.

*14. Annual Report.* - The Commission shall prepare, in such form and at such time for each financial year, as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and forward a copy thereof to the State Government.

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15. *Annual Report and Audit Report to be laid before the Legislative Assembly.*- The State Government shall cause the annual report, together with a memorandum of action taken on the advice tendered by the Commission under section 9 and the reasons for the non-acceptance, if any, of any such advice, and the audit report to be laid as soon as may be after they are received before the Legislative Assembly.

## CHAPTER V

16. *Chairperson, members and employees of the Commission to be public servants.*- The Chairperson, Members and employees of the Commission shall be deemed to be public servants within the meaning of section 21, of the Indian Penal Code, 1860 (Central Act 45 of 1860).
17. *Power to make rules.*- (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:-
- (a) salaries and allowances payable to and the other terms and conditions of service of the Chairperson and Members under sub-section (5) of section 4 and of officers and other employees under sub-section (2) of section 5;

(b) the form in which the annual statement of accounts shall be maintained under sub-section (1) of section 13;

(c) the form in, and the time at which the annual report shall be prepared under section 14;

(d) any other matter which is required to be, or may be prescribed.

*18. Power to remove difficulties.* - (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the Official Gazette, make provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient, for the purpose of removing the difficulty.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before the Legislative Assembly.

THE GOA COMMISSION FOR BACKWARD CLASSES  
(AMENDMENT)  
BILL, 1993

(Bill No.                      OF 1993)

A

BILL

to amend the Goa State Commission For Backward Classes Act,  
1993.

Be it enacted by the Legislative Assembly of Goa in the Forty Forth  
year of the Republic of India as follows:-

1. Short title and commencement :-

(1) This Act may be called the Goa State Commission for  
Backward Classes (Amendment) Act, 1993.

(2) It shall come into force at once.

2. Amendment of section 3:-

In clause (a) of sub-section (2) of section 3 of the Goa State  
Commission for Backward Classes Act, 1993 (Goa Act 13 of  
1993), for the words, "a person eligible for such appointment",  
the words, "a person who is qualified to be appointed as a Judge  
of a High Court or as a District Judge" shall be substituted.

# OFFICIAL GAZETTE

## GOVERNMENT OF GOA

EXTRAORDINARY

No. 2

GOVERNMENT OF GOA  
Department of Social Welfare

Notification  
13/6/95-SWD

In exercise of the powers conferred by sub-section (1) of section 17 of the Goa State Commission for Backward Classes Act, 1993 (Act 13 of 1993), the Government of Goa hereby makes the following rules, namely:-

1. *Short title and commencement.*- (1) These rules may be called the Goa State Commission for Backward Classes Rules, 1997.  
(2) They shall come into force from the date of their publication in the Official Gazette.

2. *Definitions.*- In these rules, unless the context otherwise requires.-

- (a) "Act" means the Goa State Commission for Backward Classes Act, 1993 (Act 13 of 1993);
- (b) "Section" means a section of the Act.

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(C) Words and phrases used but not defined herein shall have the same meaning as assigned to them under the Act.

3. *Salaries and allowances and other terms and conditions of service of Chairperson and Members of the Commission.*

(1) The Chairperson of the Commission, is appointed on whole time basis, shall receive a consolidated salary of Rs.8000/- per month and if appointed on honorary basis and honorarium of Rs.200/- per day for the sittings. Other members, if sitting on whole time basis, shall receive a consolidated salary of Rs.5000/- per month and if sitting on part time basis, an honorarium basis of Rs.150/- per day for the sitting.

(2) The Chairperson appointed on whole time basis, shall be provided with a vehicle with a ceiling of 100 litres of petrol per month and if appointed on honorary basis, shall be paid Rs.1000/- per month as conveyance allowance. Other members appointed on whole time or honorary basis, shall be entitled to TA/DA as admissible to Grade I Government Officers, for attending the Commission's meetings.

(3) The Chairperson appointed on whole time basis, shall be provided with one telephone each at his office and his residence without STD and if appointed on honorary basis, shall be paid telephone allowance of Rs.500 - per month. The members shall be paid telephone allowance of Rs. 250/- per month.

(4) The Chairperson and the Members of the Commission shall be entitled for such traveling allowance and daily allowances on official tour as are admissible to Grade I Officers of the Government.



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4. *Salaries, allowances and other terms and conditions of service of the Member Secretary.*- (1) The Member Secretary of the Commission shall be paid a remuneration of Rs.1000/- per month for discharging the duties of the Commission. The important administrative matters of the Commission shall be placed before the Member Secretary who may pass the general or specific orders on such matters. He shall be responsible for preparation of the agenda for each meeting of the Commission and shall exercise all administrative and financial powers in connection with day to day affairs of the Commission.

(2) ~~The Member Secretary shall be the appointing and disciplinary authority for the employees of the Commission. Any appeal from any order of the Member Secretary shall lie to the Commission. The Member Secretary shall also be the controlling authority in respect of service matters of the employees of the Commission.~~

5. *The appointment, salaries, allowances and terms and conditions of the staff of the Commission.*-(1) The salaries and allowances of the staff appointed for the office of the Commission shall be on par with those of other Government employees of respective category. Similarly, the recruitment rules for the recruitment of staff for the office of the Commission shall be the same as are applicable to different categories. The Commission may appoint the staff of various categories from other Government Departments on deputation basis and they shall be governed by the General Rules of deputation. The TADA shall be paid to the staff of the Commission on par with other Government employees of the same category.

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(2) For recruitment, confirmation, promotion and all allied matters relating to the service of the staff, the composition of the DPC/DSC shall be as under:-

1. Member Secretary	... Chairman
2. Director of Social Welfare	... Member
3. A Co-opted member to be nominated by the Member Secretary	... Member

*Annual statement of accounts and annual report.*- The Commission shall maintain the annual statement of account as per the statement appended to these Rules in Form 'A'. The form in which the annual report is to be prepared shall be as per Form 'B' appended hereto. The Commission shall prepare its annual report which shall be submitted to the Government in the forms mentioned above in the month of April of succeeding year.

Ref. Notification No. 13/6/93-SWD/1137 dated 24-07-2002.

By order and in the name of the Government of Goa.

(Signature) Under Secretary (Social Welfare).

At Goa, 5<sup>th</sup> February, 1997.



1/10/77-503  
Government of Goa,  
Social Welfare Department,  
Secretariat Annex,  
GMC (Old Campus),  
Panaji - Goa.

Dated: 10/5/1993.

To,  
The Member Secretary,  
Goa State Commission for Backward Classes,  
GMC (Old Campus),  
Panaji - Goa.

Subject:- Payment of sitting allowance to the non-official members of various Commissions/Committees constituted by Social Welfare Department and Deptt. of Women and Child Welfare.

Hi,  
I am directed to state that a decision has been taken by the Government to amend the rules of the Goa State Commission for Backward Classes to provide sitting allowance to the members for attending meetings. While the amendment is being issued separately, it is informed that a sitting allowance at the rate of Rs. 400/-, without any T.A./D.A., has been approved to the members for attending Commission's meetings at headquarters, subject to monthly ceiling amount of Rs.2,500/-. Similar amount will also be payable for a sitting allowance at the headquarters and the T.A./D.A. for the same will be regulated as applicable to Grade 1 Government Officers, and no official transport will be provided.

Yours faithfully,

(Signature)  
The Member Secretary

# OFFICIAL GAZETTE

## GOVERNMENT OF GOA

### EXTRAORDINARY

#### GOVERNMENT OF GOA

Department of Social Welfare

Directorate of Social Welfare

#### Notification

13/6/93-SWD/1137

In exercise of the powers conferred by sub-section (1) of section 17 of the Goa State Commission for Backward Classes Act, 1993 (Act) 13 of 1993, the Government of Goa hereby makes the following amendment.

Rule 6 of the rules, notified under Notification No. 13/6/93-SWD dated 5<sup>th</sup> February, 1997.

In the Rule 6, after the line "the form in which the annual report is to be prepared shall be as per Form 'A' & 'B' appended hereto".

*The following lines shall be substituted.*

The Form in which the balance sheet is to be prepared shall be as per Form 'C' appended hereto.

By order and in the name of the  
Governor of Goa.

A.K. Wasnik, ex officio-Jt. Secretary &  
Director of Social Welfare.

Panaji, 24<sup>th</sup> July, 2002.

#### Form - C

Goa State Commission for Backward Classes  
Behind Old G.M.C. Campus,  
Opp. R.M.O.S. Hostel, Panaji - Goa.

Balance Sheet as at 31<sup>st</sup> March.....

#### Appendix - C

Liabilities	Amount (Year)	Assets	Amount (Year)
Corpus Fund		Fixed Assets	
		Motor Vehicle	
Revenue Fund		Machinery & Equipment	